

# HOUSE BILL REPORT

## SSB 6286

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**As Passed House:**  
March 2, 2016

**Title:** An act relating to reimbursement of correctional employees for offender assaults.

**Brief Description:** Concerning reimbursement of correctional employees for offender assaults.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Roach, Padden, Takko, Hargrove, Billig, Hewitt and Conway).

**Brief History:**

**Committee Activity:**

General Government & Information Technology: 2/24/16, 2/26/16 [DP].

**Floor Activity:**

Passed House: 3/2/16, 97-0.

**Brief Summary of Substitute Bill**

- Adjusts the maximum term of wage reimbursement by the Department of Corrections and the Department of Natural Resources for employees who are victims of offender assaults from 365 days from the date of injury to the date of termination of time-loss benefits by the Department of Labor and Industries or 365 days, whichever is later.

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY**

**Majority Report:** Do pass. Signed by 7 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson, Morris and Senn.

**Staff:** Rachelle Harris (786-7137).

**Background:**

Workers' Compensation.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Washington's industrial insurance provides medical and time-loss benefits to workers injured in the course of their employment. Time-loss benefits provide partial wage reimbursement in the case of temporary total disability. The amount of time-loss benefits provided is 60 to 75 percent of the worker's wages, depending on the worker's marital status and number of dependents. Time-loss benefits are paid as long as the total disability continues. When recovery is complete and the earning power of the worker is restored, time-loss payments cease. The Department of Labor and Industries (L&I) administers the industrial insurance and workers' compensation system.

#### Offender Assault Compensation.

Employees of the Department of Corrections (DOC) and the Department of Natural Resources (DNR) may receive wage reimbursement when they miss workdays as a result of being assaulted by a DOC offender. These employees are entitled to reimbursement if the Secretary of the DOC or the Commissioner of Public Lands, or one of their designees, finds the following:

1. that the employee has been assaulted by an offender during the course of the employee's official duties;
2. that the employee sustained injuries as a result of that assault that required missed workdays; and
3. that the assault is not the result of employee negligence, misconduct, or failure to comply with rules or conditions of their employment.

For workdays missed in which the employee will or has received workers' compensation benefits, the employing agency will reimburse them an amount which, when added to their compensation benefits paid through the L&I, results in full-pay for each workday missed. For workdays missed in which the employee is not eligible to receive workers' compensation benefits, the employing agency will reimburse them for their full-pay for each workday missed. The agency's portion of wage reimbursement for offender-assaulted employees may not last longer than 365 days after the date of injury.

#### **Summary of Bill:**

Wage reimbursement by the DOC and the DNR to employees who miss work as a result of being assaulted by an offender may not continue longer than 365 days after the date of the injury or the date of termination of time-loss benefits related to the assault by the L&I, whichever is later.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) These benefits can make a huge difference for the state's correctional officers. The committee may recall Officer Lynch's testimony from a previous hearing describing how

he was stuck with large medical bills after being assaulted by an offender and it was very difficult for him and his family. There is a current officer who works at the Washington State Penitentiary in Walla Walla who very recently sustained serious injuries from an offender assault. This person will require facial reconstruction surgery and will be out for a long time, so this bill will directly help him. This bill needs to get out of the Legislature as fast as possible.

(Opposed) None.

**Persons Testifying:** Senator Pearson, prime sponsor; and Brenda Wiest, Teamsters 117.

**Persons Signed In To Testify But Not Testifying:** None.